

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ADAM TIJERINA,       )  
                    Plaintiff,       )  
vs.                        ) CIVIL ACTION NO: 5:22-CV-00928-XR  
NATIONAL DEBT        )  
RELIEF, LLC,         )  
                    Defendant.       )

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ORAL DEPOSITION OF  
ADAM TIJERINA  
February 15, 2023  
Volume 1  
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ORAL DEPOSITION OF ADAM TIJERINA, Volume 1,  
produced as a witness at the instance of the Defendant,  
and duly sworn, was taken in the above-styled and  
numbered cause on the DATE, from 11:07 a.m. to 6:04  
p.m., before Dana Shapiro, CSR, in and for the State of  
Illinois, reported by machine shorthand, at 100  
Congress Avenue, Suite 1400, Austin, Texas 78701,  
pursuant to the Federal Rules of Civil Procedure and  
any provisions stated on the record or attached hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

LITTLER MENDELSON, P.C.

MR. DAVID B. JORDAN

MS. KATIE BANKS (appeared via video teleconference)

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-and-

MR. EDWARD GROH

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ALSO PRESENT:

MS. ERICA VARGAS

1 BY MR. JORDAN:

2 Q. I'm going to hand you what's been marked as  
3 Exhibit 3. That's your signature on that document?

4 A. Yes, it is my chicken scratch.

5 (WHEREUPON, a certain document was  
6 marked Deposition Exhibit No. 4,  
7 for identification, as of 2/15/23.)

8 BY MR. JORDAN:

9 Q. Same here on Exhibit No. 4, that's your  
10 signature?

11 A. 2006, Holy crap.

12 Q. Mr. Tijerina, is that your signature on  
13 Exhibit No. 4?

14 A. Yes.

15 (WHEREUPON, a certain document was  
16 marked Deposition Exhibit No. 5,  
17 for identification, as of 2/15/23.)

18 BY MR. JORDAN:

19 Q. I'm going to hand you what I'm marking as  
20 Exhibit No. 5. I'd like you to look at this document.  
21 And it's got two pages. Let's start with you telling  
22 me what the second page is.

23 A. Give me a minute. This looks like a  
24 breakdown of hours on Upwork.

25 Q. Okay. These are hours that you would have

1 manually added to Upwork for payment?

2 A. Correct.

3 Q. So if I'm right, this shows 168 hours,  
4 correct?

5 A. Correct.

6 Q. So you would be paid 168 hours at whatever  
7 hourly rate you were at at the time?

8 A. Correct.

9 Q. You will see here at the bottom of page 1  
10 Elena Jablonski says, "23 hours for Monday sticks out."  
11 Then lists out all of the hours goes from page 1 to 2.  
12 Then Grant Eckert asks you, "Can you clarify the 23  
13 hours?"

14 Do you see that?

15 A. Yes.

16 Q. Then you say, "Hi, Grant. 12 hours for  
17 ASW."

18 What does that mean?

19 A. That would have been my time at Affiliate  
20 Summit West. So we were at a conference there.

21 Q. You were turning in hours for going to that  
22 conference?

23 A. Correct.

24 Q. It says 11 hours for ASW trip expenses?

25 A. Correct.

1 Q. Team building, tips, et cetera, what is  
2 that?

3 A. Team building, tips, trip expenses.

4 Q. I don't understand. 11 hours for -- I  
5 don't understand that line. That makes no sense to me.  
6 Can you explain it.

7 A. So depending on what my hourly rate was at  
8 the time, divide the expenses by that to get the hours  
9 calculation.

10 Q. Why would you not just say, "Reimburse me a  
11 thousand bucks"?

12 A. That was not always presented as an option.

13 Q. What do you mean?

14 A. From HR.

15 Q. I don't understand what you mean.

16 A. I didn't know I could do that all of the  
17 time with HR.

18 Q. You didn't know you could do what?

19 A. Get -- submit these team building expenses  
20 for reimbursement.

21 Q. So you would reflect them in terms of hours  
22 on Upwork?

23 A. So yes.

24 Q. So a couple things I want to know. So for  
25 sure, right, this Monday, January 27 entry here of 23

1 hours?

2 A. Uh-huh.

3 Q. That certainly reflects more than key  
4 strokes, right?

5 A. This was all manually entered. I was not  
6 at the computer.

7 Q. Perfect. That was 23 hours you typed in  
8 regardless of what Upwork told you the timer on Upwork  
9 would have said or not said?

10 A. Because I was at -- physically at a  
11 conference.

12 Q. It also means that you actually didn't work  
13 23 hours that day, but you were telling Grant and Elena  
14 which you only worked 12 hours that day, correct?

15 A. Yes.

16 Q. Grant says, "Adam, don't you submit  
17 expenses as an expense reimbursement?"

18 A. Okay.

19 Q. Do you recall what you said in response?

20 A. It looks like I said, "Were you able to  
21 clear the hours up?" Okay. Where is his response?

22 Q. This is not your deposition, Mr. Tijerina.  
23 You can do whatever you want. It's not really funny.

24 A. Okay.

25 Q. We're trying to understand the allegations

1 hours?

2 A. Because that's the first thing.

3 Q. Mr. Tijerina, let me finish my question.

4 Is it your testimony that if it's manually  
5 entered it's an expense reimbursement?

6 A. No.

7 Q. Okay. Then the question as to whether they  
8 are manually entered or not has nothing to do with my  
9 question. My question is, can you and I agree that the  
10 hours listed on page 2 of Exhibit No. 5 do not  
11 accurately reflect the hours you worked in that  
12 particular period represented?

13 A. For Monday, January 27, I did not work 23  
14 hours.

15 Q. What about Friday, January 24?

16 A. That looks like a normal shift, yes, but I  
17 can't say for certain without seeing the screen shots.

18 Q. You don't know for sure?

19 A. Correct.

20 Q. What about January 30?

21 A. Same answer.

22 Q. Have no idea if that's work or there's  
23 expenses baked into that?

24 A. Well, they all look like 13 to 14 hours  
25 which is a normal shift for me. So those would likely



1 hours.

2 Q. Mr. Tijerina, you and I both agree whether  
3 they're manually added or not has nothing to do, right,  
4 with whether there is an expense reimbursement? That  
5 was what you testified to now twice, right? Am I  
6 right?

7 A. I testified that 11 hours are for  
8 reimbursement.

9 Q. You don't know one way or the other from  
10 looking at this report -- whether they are manual  
11 entered or not?

12 A. I'm unable. Go ahead.

13 Q. You would manually enter your actual work  
14 hours too?

15 A. It depends. And that was approved per  
16 Danny. We had a conversation one time, "Hey, Danny,  
17 I'm not always at the computer, but sometimes when I go  
18 to the restroom or take a shower I get some thoughts  
19 and ideas." He's like, "Hey, me too. Some of my best  
20 ideas come from being in the bathroom."

21 Q. You work in the shower?

22 A. I get ideas in the shower, yes, because  
23 that's --

24 Q. While you were going to the bathroom?

25 A. Or while I'm going to the bathroom, yes.

1 day?

2 A. I don't remember that day, but I had  
3 conversations with they wanted to iron out the details  
4 as far as handing over all of the logins I had to, and  
5 all the stuff I had access to.

6 Q. Who did you talk to about that?

7 A. I don't remember actually.

8 Q. Okay. How soon -- how long after you had  
9 that conversation with Danny did you actually stop  
10 doing work for National Debt Relief?

11 A. I think it was a few weeks actually.

12 Q. Did you apply for unemployment?

13 A. I did not.

14 Q. You were sent a severance agreement?

15 A. Correct.

16 Q. Who sent that severance agreement to you?

17 A. It might have been Ed.

18 Q. Did you read the agreement at the time?

19 A. Probably.

20 Q. Did you take it to a lawyer?

21 A. I took it to two lawyers actually.

22 Q. Okay. And who are those two lawyers?

23 A. I would have to look up their names. One  
24 was in New York, one was in Texas.

25 Q. Who was the lawyer in Texas?

1 A. I would have to look it up the name.

2 Q. How did you find the names?

3 A. It might have been a Google search.

4 Q. How did you go about -- you Google  
5 searched. How would you go about finding their names  
6 now?

7 A. Checking my email.

8 Q. Did you engage the lawyer -- either one of  
9 them?

10 A. As far as?

11 Q. Did you talk to them about your agreement?

12 A. Yes.

13 Q. I don't want to know the substance of what  
14 you talked to them about. Okay. But do they have  
15 correspondence back to you regarding your agreement?  
16 Did you guys engage in written correspondence?

17 A. I don't know. I would have to check.

18 Q. How many different calls or meetings did  
19 you have with these lawyers?

20 A. It should have been just one.

21 Q. With each?

22 A. Yes.

23 Q. Did you pay for those lawyers?

24 A. Yes.

25 Q. How much did you pay?

1           A.       I think one was 300, and one might have  
2       been 500.

3           Q.       Why did you see two different lawyers?

4           A.       Because the company was based in New York,  
5       and I was based in Texas.

6           Q.       And did you make -- did you send revisions  
7       to that agreement back to Ed?

8           A.       We had a conversation.

9           Q.       When you are talking about Ed, who are you  
10      talking about?

11          A.       Ed Groh.

12          Q.       Who is sitting here in the room with you  
13      right now?

14          A.       Yes, I believe so.

15          Q.       You had conversations?

16          A.       We had one follow-up conversation on the  
17      phone. I don't think we did much through email other  
18      than setting up the conversation.

19          Q.       Let me ask you. Am I right that one of the  
20      issues you raised was this idea that Upwork pays you  
21      some money, a dollar per hour?

22          A.       To log my time.

23          Q.       They pay you?

24          A.       They logged the time. It's coming from  
25      NDR.

1 Exhibit No. 7.

2 (WHEREUPON, a certain document was  
3 marked Deposition Exhibit No. 7,  
4 for identification, as of 2/15/23.)

5 BY MR. JORDAN:

6 Q. The -- do you recall in your agreement  
7 releasing claims?

8 A. Yes, there was a bunch of claims that I was  
9 releasing even though they shouldn't have been in there  
10 in the first place.

11 Q. Well, why would they not be in there in the  
12 first place?

13 A. That's what the two lawyers told me. You  
14 can't give up those rights.

15 Q. I do not want you to tell me what those  
16 lawyers told you.

17 A. Okay.

18 Q. Despite that you just did.  
19 Did you understand among other things you  
20 released your rights under the Fair Labor Standards  
21 Act?

22 A. Which was one that I couldn't release.

23 Q. But it's in the agreement?

24 A. But you can't be released per the lawyer.

25 Q. This is the lawyer in Texas?

1           A.       I don't know if it was the Texas or the New  
2       York one.

3           Q.       Well, what else did the lawyer tell you  
4       about this agreement?

5           A.       Thought I wasn't supposed to tell you what  
6       he told me about the agreement.

7           Q.       I think you waived your privilege with  
8       regards to what that lawyer told you at this point  
9       because I warned you and then you said it again. So  
10      what else did the -- that lawyer, I won't talk about  
11      Laura or her team. What else did that lawyer in Texas  
12      tell you about the agreement?

13          A.       I don't remember if it was the Texas or the  
14      New York one.

15          Q.       But you nevertheless released those claims  
16      anyway?

17          A.       I signed the agreement, correct.

18          Q.       Despite the advice that you got from that  
19      counsel?

20          A.       Because he advised that we could pursue  
21      those after even if we signed that.

22          Q.       So he said, "Why don't you sign the  
23      agreement, get paid the consideration, and then pursue  
24      the overtime afterwards"?

25          A.       He said, "You can't waive that right and we

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REPORTER'S CERTIFICATION  
ORAL DEPOSITION OF  
ADAM TIJERINA  
February 15, 2023

I, Dana Shapiro, a Certified Shorthand Reporter,  
hereby certify to the following:

That the witness, ADAM TIJERINA, was duly sworn  
by the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

I further certify that pursuant to FRCP Rule  
30(e)(1) that the signature of the deponent: was  
requested by the deponent or a party before the  
completion of the deposition and that the signature is  
to be before any notary public and returned within 30  
days from date of receipt of the transcript. If  
returned, the attached Changes and Signature Pages  
contain any changes and reasons therefore;

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties or

1 attorneys in the action in which this proceeding was  
2 taken, and further that I am not financially or  
3 otherwise interested in the outcome of the action.

4 Certified to by me this March 2nd, 2023.

5  
6   
7

Dana Shapiro, Illinois CSR 84-3597

8 Expiration Date: 5/31/2023

Firm Registration No. 571

9 Veritext Legal Solutions

300 Throckmorton Street, Suite 1600

10 Fort Worth, Texas 76102

Phone.817-336-3042



COUNTY OF TRAVIS )

STATE OF TEXAS )

I hereby certify that the witness was notified on \_\_\_\_\_, that the witness has 30 days after being notified by the officer that the transcript is available for review by the witness and if there are changes in the form or substance to be made, then the witness shall sign a statement reciting such changes and the reasons given by the witness for making them;

That the witness' signature was/was not returned as of \_\_\_\_\_.

Subscribed and sworn to on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .



Dana Shapiro, Illinois CSR 84-3597

Expiration Date: 5/31/2023

Firm Registration No. 571

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